

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CIVIL CASE NO. 1:10cv073**

**THIS MATTER** is before the Court on the Plaintiff's Motion to Excuse Late Payment of Filing Fee [Doc. 41].

By Sealed Order filed April 2, 2010 [Doc. 3], Plaintiff's application to proceed *in forma pauperis* was denied and she was ordered to pay her filing fee within 20 days. Plaintiff's counsel did not attempt to pay her filing fee until April 28, 2010.

Plaintiff's Motion does not state good cause for failing to timely submit Plaintiff's filing fee. Neither the Federal Rules of Civil Procedure, the Local Rules, nor the practices of this Court provide Plaintiff's counsel with reason to believe that all deadlines set out in rules or orders are 30 days from an

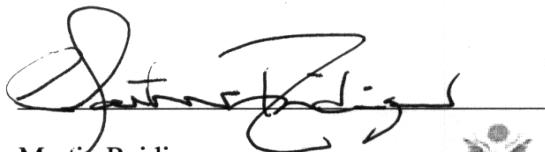
event or the order's entry. Plaintiff's counsel is admonished to familiarize himself with said rules and comply.

The Court, however, finds that the Plaintiff, Doris Fisher, would be prejudiced by the attorney's oversight, and for that reason finds that the interests of justice would be served by granting the motion.

**IT IS, THEREFORE, ORDERED** that Plaintiff's Motion to Excuse Late Payment of Filing Fee is **ALLOWED**. Since the fee has already been received by the Clerk, no further action is necessary for this case to proceed.

**IT IS FURTHER ORDERED** that further failures by Plaintiff's counsel to meet deadlines in this matter will result in its being summarily dismissed.

Signed: May 10, 2010



Martin Reidinger  
United States District Judge



SEALED DOCUMENT with access to All Parties/Defendants